THE IDAHO COURTS

1980 ANNUAL REPORT

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ON BEHALF OF THE SUPREME COURT OF IDAHO

Robert E. Bakes, Chief Justice

Joseph J. McFadden, Justice

Stephen Bistline, Justice

Charles R. Donaldson, Justice

Allan G. Shepard, Justice

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

Carl F. Bianchi
Administrative Director of the Courts

ON THE COVER: The Lemhi County Courthouse was built in 1909 at a cost of $37,750. The county commissioners chose this colonial style brick courthouse after examining designs submitted from Boise, Seattle and Los Angeles because it would "look massive, imposing and strong, and its style . . . will always be the fashion." The courthouse, located in Salmon, Idaho, is still in use. Source: *Saints and Oddfellows, a Bicentennial Sampler of Idaho Architecture,* by J. Meredith Neil.

Cover ink drawing and all graphs and charts in this report were drawn by John R. Blout of the Administrative Office of the Courts.

IDAHO COURTS ANNUAL REPORT

FOR 1980

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A separate Appendix to the 1980 Courts Annual Report is available upon request. The Appendix contains detailed case statistics from all courts in the state, with individual district and county summaries.

INTRODUCTION

THE EVOLUTION OF A MODERN JUDICIARY

by John Corlett*

The judiciary is a co-equal in the triumvirate of Idaho's state government, but its place among the executive and the legislative branches is not well described in the history books and the general literature of political development.

The Idaho judicial system stands apart — as probably it should — and yet it has a great, if not greater, impact on the people and the development of Idaho as the executive branch and the legislature. Consider, for example, that in all the courts each year there is filed one case for every three Idahoans. The new cases filed each year are in the hundreds of thousands.

The popular description of a judicial system is that it interprets the laws and the constitution. The judiciary which, along with the legal profession, uses and works with a complex lexicon, does far more than interpret. The judiciary umpires and decides disputes of incalculable variety, assuring that each decision is made within the due process of law. The judicial system brings criminals to justice. This is a system of a civilized society to settle disputes without violence, and to limit lawlessness under a stringent code that justice and fairness shall prevail.

The growth of population, the changing mores, and the increasing problems engendered by an onrushing technology add burdens on the judiciary at an ever increasing rate. The more automobile accidents, the more lawsuits and traffic citations. The increasing number of divorces increase the caseload in the courts. New technologies create the need for new regulations. They also create societal changes that demand judicial action. The Idaho legislature adds new laws and amends old ones at the rate of more than 300 a year. All of the new laws regulate in some form and in the public interest the lives of all Idahoans. The judicial system is asked in those hundreds of thousands of cases to make sure that justice does prevail in any dispute or difference of opinion about those regulations.

Unlike many states, Idaho has developed a judicial system with administrative procedures that can handle the ever-growing caseload. Judicial reform, seldom experienced in such completeness, came to Idaho beginning in 1971. Probate, justice of the peace, and municipal courts were consolidated into a magistrate division under the jurisdiction of the district courts. Seventy-one magistrates by 1980 replaced more than 250 justices of the peace, probate and police judges. The fewer judges handle the heavier caseload more efficiently.

The Idaho judicial system has become a model for other states. It has taken more than just establishing a two-tiered court system — supreme court and district courts with their magistrate division — to become that model. The emphasis since 1971 has been on administration. The administrative office of the courts, serving under the supreme court, was created. Trial court administrators were created in each of the state's seven judicial districts. A judicial council was established. It nominates lawyers for appointment by the governor to fill district and supreme court vacancies. It investigates complaints against judges and may recommend discipline against them and removal or retirement.

The judicial changes did not come overnight. It took almost 20 years before the 1969 legislature enacted the reforms, which became effective January 11, 1971.

Some changes took place before the concentrated reform effort of the Idaho Bar Association in the 1950's and 1960's. Originally supreme court and district court judges were nominated and elected on a

partisan political basis. In 1933 the legislature provided that judges shall be elected on non-partisan ballots.

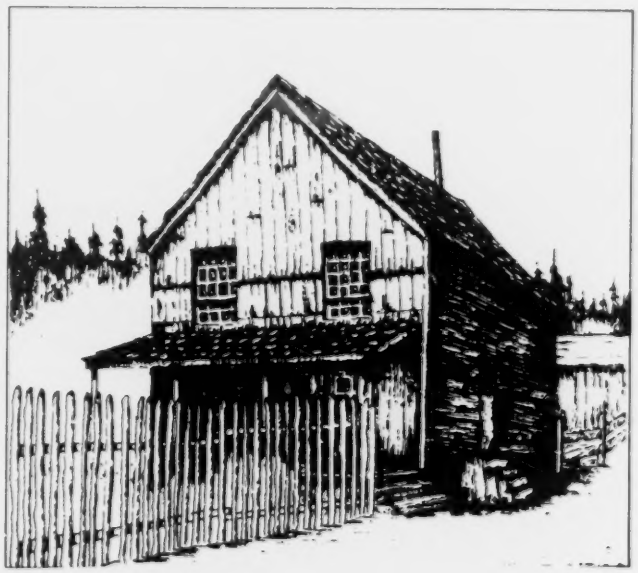
One of the most far-reaching changes was the establishment of seven judicial districts in the state. The constitution created five judicial districts in 1890, but allowed the number to be changed by the legislature. By 1966 the number of districts had been increased to 13. They were unequal in service. Two districts were created, for example, in Bonneville County. Greater equality was provided by establishing the seven districts both in caring for caseload and in administration of the courts. There are now 30 district judges in the seven judicial districts.

As long ago as 1908, the people approved a constitutional amendment that would have eliminated probate courts and placed their duties with the district courts. The Idaho Supreme Court in 1909 said the amendment was not constitutional because it included six separate changes in the judiciary. Not until 1962 did the people again approve elimination of not only the probate court but the justice of peace courts as well, and direct the legislature to establish inferior courts below the district courts. One of the amendments also provided that "the courts shall constitute a unified and integrated judicial system for administration and supervision by the supreme court." Efforts were taken in 1955 to move slowly into the court reform area by lessening the powers of probate and justice of the peace courts, but it became apparent as time went on that the answer was to eliminate those courts and allow the legislature to provide what became a "unified and integrated judicial system." The electorate obviously agreed by approving the necessary constitutional amendments.

The next steps were to enact the laws needed to provide the unified judicial system, and to make additional amendments to the constitution to establish a method for nominating judges, to fill vacancies to be appointed by the governor, and to provide a means for discipline, retirement, and removal from office of justices and judges.

The 1965 legislature created a legislative council interim committee on courts. The committee developed a series of bills to provide the reforms and they were introduced and passed by the 1967 legislature. The package was vetoed by then governor Don Samuelson. Two constitutional amendments proposed by the 1967 legislature to provide the means for nominating and disciplining judges were approved by the voters at the 1968 general election. The 1969 legislature again passed the court reform package with minor changes to meet Samuelson's objections. The governor signed the bills, and they became effective January 11, 1971. With the signing of those bills, almost fifty years of court reform efforts were rewarded with the genesis of one of the most modern court systems in the nation.

* A retired veteran political reporter and commentator for a major Idaho newspaper, John Corlett is the editor of the *Idaho Almanac*. This introduction was written on the occasion of the national bicentennial.



IDAHO'S OLDEST COURTHOUSE — The two-story log courthouse still standing at Pierce City has the distinction of being Idaho's oldest public building. The building was completed in 1862 and served as Shoshone County's official courthouse until 1884. Ink sketch donated by John A. Bianchi.

IDAHO JUDICIAL SYSTEM

SUPREME COURT

Chief Justice and 4 Associate Justices. Terms of 6 years after non-partisan at-large election, with staggered terms. Voluntary retirement at age 65. Mandatory retirement at age 70.

Original Jurisdiction in:

(1) Claims against State (advisory opinions)
(2) Extraordinary writs

Appellate Jurisdiction in:

(1) Appeals from interim orders and final judgment in District Courts
(2) Appeals from Administrative Agencies

JUDICIAL COUNCIL

7 Members:

Chief Justice, Chairman
3 Attorneys (one of whom must be a district judge)
--Appointed by Board of Commissioners of Idaho State Bar with consent of Senate.
3 Non-Attorneys
--Appointed by Governor with advice and consent of Senate.

Terms: 6 years, staggered terms.

Duties: (1) Conducts studies and makes recommendations to Legislature and Supreme Court.
(2) Recommends appointments to Governor to fill vacancies.
(3) Recommends discipline, removal or retirement of Justices and judges.

DISTRICT COURTS

30 Judges presently authorized. Terms of 4 years after non-partisan election within the judicial district. Voluntary retirement at age 65. Mandatory retirement at age 70.

Original Jurisdiction over civil and criminal cases including:

(1) Personal injury & other torts
(2) Contracts
(3) Domestic relations
(4) Felonies
(5) Post-conviction review
(6) Habeas corpus

Appellate Jurisdiction:

(1) Appeals from Magistrates Division
(2) Appeals from State Agencies and Boards
(3) Appeals from Small Claims Departments

MAGISTRATE DIVISIONS

71 Judges authorized. Terms: Initial 2 years upon appointment by district magistrates commission; subsequent 4-year terms by county election on record. Retirement at age 65, with approval, may serve to age 70.

Jurisdiction, generally:

(1) Civil actions to $10,000
(2) Forcible entry and detainers
(3) Liens to $1,000 on real or personal property
(4) Probate and Adm. of Decedent estates
(5) Juvenile proceedings
(6) Misdemeanors
(7) Arrest warrants; searches and seizures
(8) Preliminary hearings for probable cause on felony complaints
(9) Domestic relations

SMALL CLAIMS DEPARTMENTS

Magistrates sit for small claims
Jurisdiction limited to civil actions up to $1,000 & over defendants within county of location
No attorneys allowed in small claims actions
No jury trials in small claims cases

(The Idaho Legislature in 1980 established the Idaho Court of Appeals. This three judge court will begin operations in January, 1982.)

↑ Indicates court to which appeals are taken

The Idaho Courts Today

Model for Other States

Idaho's court system today is recognized as a model for other states. Constitutional amendments in the early 1960s gave the Idaho Supreme Court management authority over the trial courts, firmly establishing the Supreme Court's rule-making powers and providing a method of supervising trial court operations. The judicial reform efforts which culminated on January 11, 1971, streamlined Idaho's trial courts by consolidating the various probate, justice and municipal courts into a general jurisdiction District Court, with a division for special types of action. Thus unified, Idaho's "two-tiered" court system is one of the nation's most modern in design.*

The Supreme Court

The Supreme Court of Idaho is the State's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the Public Utilities Commission and the Industrial Accident Commission. It has original jurisdiction to hear claims against the state and to issue writs of review, mandamus, certiorari, prohibition and habeas corpus, and all writs necessary to complete exercise of its appellate jurisdiction. For the convenience of litigants, the Idaho Supreme Court is one of the few "circuit-riding" supreme courts in the country, and holds twelve terms of court. four in Boise, two in Twin Falls, two in Pocatello, two in Lewiston, and two in Coeur d'Alene. The court hears additional appeals in Boise during special "expedited calendar" days.

The Supreme Court is also responsible for the administration and supervision of the trial courts, as well as the operations of the Administrative Office of the Courts, the Supreme Court Clerk's Office and the State Law Library. These latter operations are located, along with the Justices' offices and courtroom, in the Supreme Court Building in Boise.

The Supreme Court consists of five justices who are elected at large, on a non-partisan ballot, for a term of six years with their terms being staggered so continuity on the Court will be maintained. A candidate for justice must be a qualified elector and a duly qualified attorney at law. The chief justice is selected by the other justices to preside over court activities during his term. During 1980, Justice Charles R. Donaldson served as Chief Justice.

The Trial Courts

The district court is the trial court of general jurisdiction. A magistrate division exercises limited jurisdiction. The magistrate division, in turn, has a small claims department. While individual judges may serve either in district court cases or magistrate division cases, it is one integrated court.

The district court judges have original jurisdiction in all cases and proceedings. They may issue extraordinary writs, and may also hear appeals from the magistrate division, and certain agencies and boards. There are 30 district court judges (see appendix exhibit A), who sit in each of the 44 counties. They are Idaho attorneys, elected by non-partisan ballot within the judicial district in which they serve. Each district court judge is served by a court reporter who makes a record of all proceedings and testimony in a case.

Judges of the magistrate division may hear civil cases where the amount of damages requested does not exceed $10,000; proceedings in forcible entry, forcible detainer and unlawful detainer; for the limited enforcement and foreclosure of common law and statutory liens on real or personal property; proceedings in the probate of wills and the administration of estates of decedents and incapacitated persons; juvenile proceedings; criminal misdemeanor offenses; proceedings to prevent the commission of crimes; may issue warrants for the arrest or for searches and seizures, and may conduct preliminary hearings to determine probable cause on felony complaints. In some judicial districts, lawyer magistrates also may hear domestic relations and support cases.

There are 71 magistrate judges of the magistrate division, (see appendix exhibit A), with at least one resident magistrate judge appointed for each county. Additionally, six district trial court administrators are appointed as judges of the magistrate division and assist with judicial duties. Several magistrate judges in more rural areas serve on a part-time basis. Approximately 31% of Idaho's magistrate judges are not

lawyers, relying on substantial practical experience in legal matters. Non-lawyer judges must be certified to handle criminal and juvenile cases.

Judges of the Magistrate Division may also handle small claims cases. These are minor civil actions where less than $1,000 is involved. The small claims department is designed to provide a quick, inexpensive solution to such claims. No attorneys are allowed in small claims cases, nor are there jury trials. Appeals from small claims decisions are taken to the district court proper.

* The Idaho court system recently was ranked fourth in the nation in its degree of management unification.

The Judicial Council

The Idaho Judicial Council is empowered by statute to nominate to the Governor persons for appointment to vacancies in the Supreme Court and district courts. It may make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers. It is comprised of seven members: the Chief Justice of the Supreme Court, who is chairman, a district court judge and two lawyers appointed by the governing board of the Idaho bar with the consent of the state senate and three non-attorney members appointed by the Governor with the consent of the senate. Since its creation in 1967, the council has nominated lawyers for appointment by the Governor to fill vacancies on the Supreme Court and district courts, as well as conducted studies resulting in recommendations for improvements of the judicial system. Sitting in its disciplinary capacity, the Council may investigate complaints against justices or judges of the supreme or district courts, and in appropriate cases it may recommend to the Supreme Court the removal, discipline or retirement of a justice or judge.

Court Planning

While studies have found that planning is largely undeveloped in other state court systems, the Idaho judicial system has utilized planning as an effective management tool since 1973. The Supreme Court annually prepares a comprehensive plan, setting long and short range goals and objectives for courts, and judicial personnel work throughout the year to achieve those goals and objectives. The annual plan also contains district goals and objectives developed by the administrative district judge and trial court administrator for each of the seven judicial districts in Idaho. Once approved, the plan serves as a basic policy guide for administrative operations, and is distributed to all judges as well as to other state government agencies and branches which work in cooperation with the courts. The Idaho court planning program is a national model of management by objectives in a judicial environment.

Philosophy for Idaho Court Operations

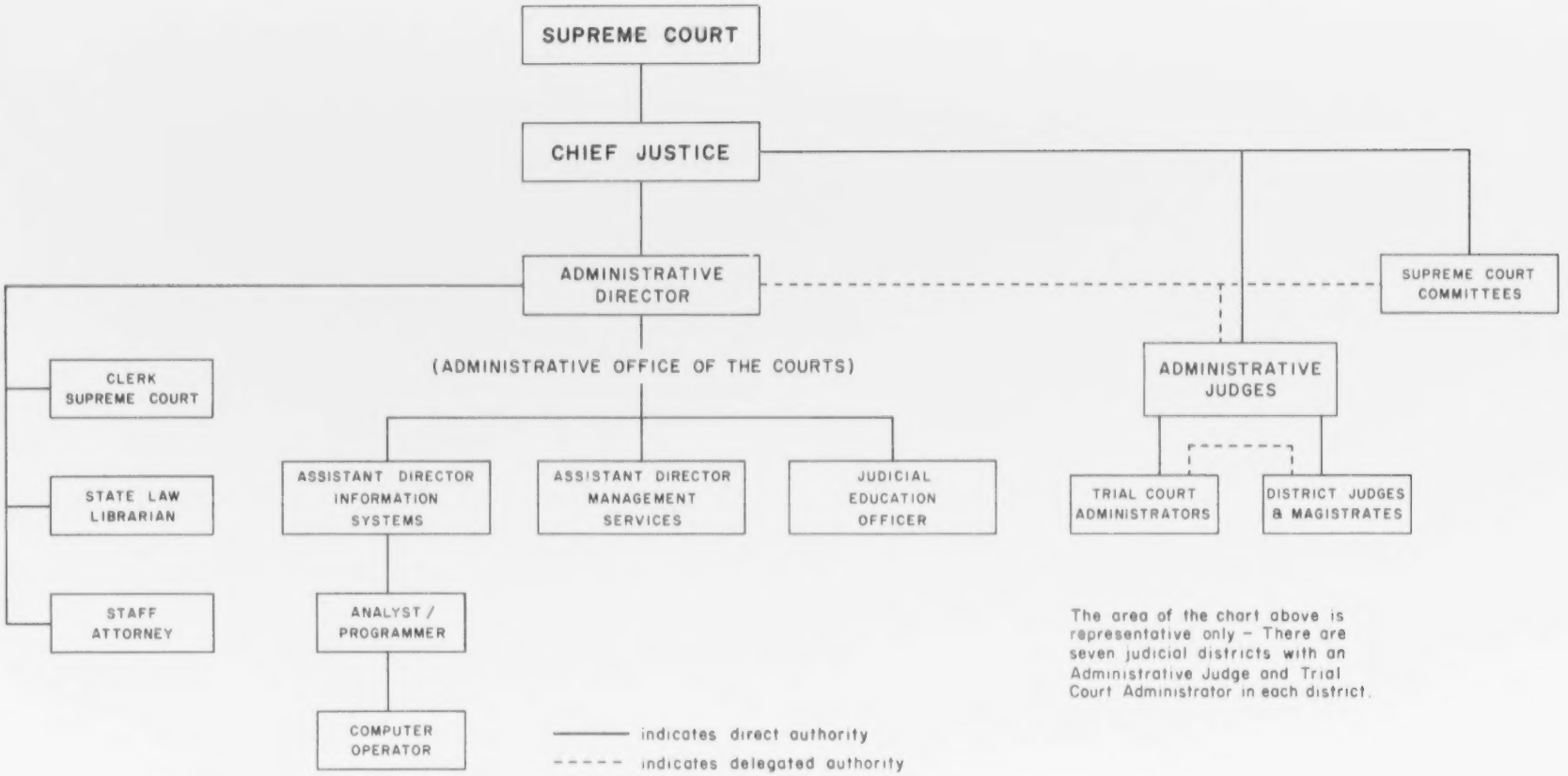
Working with the trial judges, the Supreme Court has identified six major goals for the Idaho court system:

- Increasing the accessibility and improving the service of courts to the public.
- Eliminating delays in case processing, while maintaining the quality and justice of legal decisions.
- Protecting the confidentiality of personal, private information concerning individuals involved in court actions, while allowing free access to court information that is of public record.
- Maintaining the independent nature of the courts as a separate branch of government and allowing the Supreme Court to fulfill its constitutional authority and responsibility to manage the affairs of the judiciary.
- Strengthening and increasing the unification of the Idaho judicial system through centralized standards and rules, regionalized implementation of operations, and a greater communication with individual judges of the goals of unification.
- Increasing the level of professional excellence of all court personnel.

Each year the Supreme Court and the trial courts establish planned objectives designed to achieve these goals.

IDAHO JUDICIAL SYSTEM

ADMINISTRATIVE STRUCTURE


SUPREME COURT
CHIEF JUSTICE
ADMINISTRATIVE DIRECTOR
SUPREME COURT COMMITTEES
(ADMINISTRATIVE OFFICE OF THE COURTS)
CLERK SUPREME COURT
STATE LAW LIBRARIAN
STAFF ATTORNEY
ASSISTANT DIRECTOR INFORMATION SYSTEMS
ASSISTANT DIRECTOR MANAGEMENT SERVICES
JUDICIAL EDUCATION OFFICER
ANALYST / PROGRAMMER
COMPUTER OPERATOR
ADMINISTRATIVE JUDGES
TRIAL COURT ADMINISTRATORS
DISTRICT JUDGES & MAGISTRATES
The area of the chart above is representative only – There are seven judicial districts with an Administrative Judge and Trial Court Administrator in each district.
indicates direct authority
indicates delegated authority

Judicial Administration

Regional Administrative Structure

As shown in the chart on page 7, opposite, the Supreme Court has the ultimate authority for supervising and administering the Idaho court system. The court establishes statewide rules and policies for the operation of its internal functions and of the trial courts, with the administrative office of the courts carrying out much of the day-to-day administrative duties of the statewide court system.

The state is divided into seven judicial districts, with an administrative judge in each district. An administrative judge, assisted by a trial court administrator, is responsible for managing court operations in the district, for arranging case calendars and assigning judges to cases and for supervising the clerks of the district courts. This regional administrative structure is designed to delegate a great deal of authority to the trial judges and insure their participation in policy decisions, while still maintaining uniform statewide rules and procedures.

The Administrative Office of the Courts

The Administrative Office of the Courts was created by statute and assists the Supreme Court in its constitutional responsibility to supervise and administer the Idaho court system. The director of the administrative office supervises the administrative staff of the judiciary, as well as the operations of the supreme court clerk's office and the state law library. The office monitors the operations of the district courts, performs planning functions for the Supreme Court and implements recommendations for the improvement of the judicial system. The office also prepares the annual appropriations request for the judiciary and supervises expenditures under the unified judicial budget. Judicial conferences and training seminars are developed and conducted by the administrative office, and the office obtains and supervises federal grants on behalf of the court. The administrative director develops and administers personnel standards for judicial employees, assigns trial judges when there are disqualifications, directs the activities of the district trial court administrators, and acts as liaison for the state judiciary with the Idaho Legislature, other public agencies, and the media.

Trial Court Administration

The administrative judge in each district (see appendix exhibit B) is chosen for this office by the other district judges, and performs one of the most important functions in the court system. The administrative judge is responsible for the administration of the district courts and magistrate divisions within the judicial district. The administrative judge assigns all cases and insures that the court calendars remain current. Final recommendations for local court budgets and facilities are made by the administrative judge, as well as personnel decisions for the district. Local rules of practice and procedure are recommended to the Supreme Court by the administrative judge with the concurrence of the other district judges, and the administrative judge also supervises the clerical staff of the district courts. The administrative judge additionally serves as chairman of the district magistrates commission, a representative body of county commissioners, mayors, citizens and private attorneys which appoints judges to the magistrate division for their initial terms.

There is a trial court administrator in each of the seven judicial districts (see appendix exhibit B). Under the supervision of the administrative judge for the district, the trial court administrators assist in the overall management of court operations within the judicial district, with particular emphasis on the magistrate division. Each of the trial court administrators assists in preparing budgets for court facilities and county-funded support staff, such as clerical personnel, bailiffs, and probation officers. The administrators work with jury commissioners in establishing the proper number of jurors to be called and impaneled, as well as assuring that statutory standards for jury duty exemptions are followed. While most of the statewide court information reports are prepared by district court clerk offices, the trial court administrators supervise this reporting function, as well as analyze the statistical reports that are produced by the administrative office of the courts to pinpoint cases that require immediate disposition and to maintain uniformity in caseloads for individual judges.

The trial court administrators perform non-judicial public information duties, answering complaints and disseminating information concerning the trial courts. For liaison purposes with law enforcement and other public officials, they may attend designated public meetings as court representatives. Under the general direction of the administrative judge, they also assign cases and perform calendaring functions. They maintain personnel records for state judicial employees in the district, including sick leave, vacation leave and attendance at judicial education programs.

Six of the trial court administrators also are appointed as judges of the magistrate division and perform judicial duties in addition to their administrative functions.

The administrative judges and trial court administrators meet in regularly scheduled administrative conferences with the Supreme Court to discuss caseload and procedural problems, and to develop improvements in court rules and operations. Administrative conference minutes are distributed to all judges in the state.

Supreme Court Clerk's Office

The office of the clerk of the Supreme Court performs a variety of important tasks for the judiciary. The office manages the legal and clerical functions of the Supreme Court, including the preparation of calendars, maintenance of the docket, assuring proper flow of cases and distribution of final opinions. The publication of the Idaho Reports is coordinated by the Supreme Court Clerk's office. The office handles all filings of legal papers and petitions which are under the jurisdiction of the Supreme Court and provides technical services for official ceremonies, including admissions of new attorneys and memorial services. During 1976, the Supreme Court Clerk's office began using a computerized management reporting system to help monitor procedural steps in Supreme Court appeals.

State Law Library

The Idaho State Law Library was established in 1869 under an Idaho territorial statute. It is operated by the state law librarian, under the supervision of the Administrative Director of the Courts. The law library is used by the judiciary, public officials, lawyers, and is widely used by students, research personnel and the general public.

The law library contains over 90,000 bound volumes and thousands of pamphlets and unbound publications. The state law library is also a depository for U.S. government publications. The library is primarily a research facility. Photocopy service is available for patrons, for a fee.

The bound volume collection includes the reported cases of all federal and state courts of last resort, the statutes and session laws for each of the 50 states together with some statutes and case reports of other English-speaking peoples. The collection of federal law includes the reported cases of the federal courts, most of the federal administrative board decisions, federal statutes and regulations, the debates of the federal congress, some of the congressional hearings, and a wealth of U.S. legislative history. In addition, the state law library contains legal periodicals, digests, citators, encyclopedias, treatises of law, and English case reports. A card catalog is maintained for the convenience of patrons. During 1978, the law library became one of the first in the nation to prepare its own catalog cards by computer.

District Court Clerks

The district court clerks and their deputies in each of the 44 counties provide essential support services to the district and magistrate judges. In addition to county auditor and recorder duties, under the supervision of the administrative judge, the district clerks handle all case filings and insure smooth civil and criminal case processing. They also file reports on all cases with the administrative office of the courts to help compile the courts' management reports. The district court clerk offices are the entry point for citizens seeking access to court services, and thus serve an important public information service for the courts. Using statutory formulas, they are responsible for distributing court fees and fines to a number of state and county funds. As an elected county official, the district court clerk serves as one of the pivotal links between the state judiciary and county government.

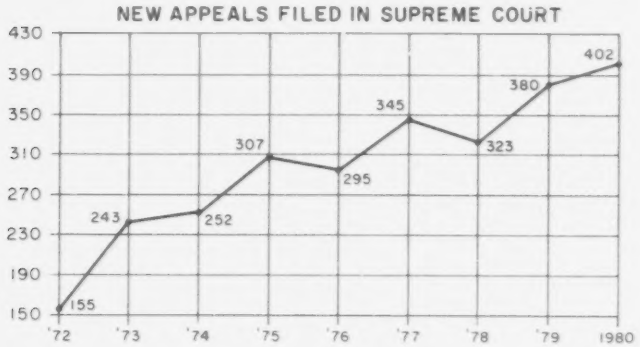
Supreme Court Committees

From time to time, the Supreme Court has appointed committees to examine and make recommendations on important court issues and procedures. Composed at various times of judges, attorneys in private law practice, prosecutors, public defenders, court administrative and clerical staff and private citizens, these committees have made important contributions to the judiciary, often at loss of personal income and leisure time for committee members. During 1977, a "blue ribbon" committee of lawyers, legislators and citizen representatives made recommendations on how to deal with Idaho's growing volume of appeals, in 1978 a joint Legislative-Judicial Committee on Court Reporting examined electronic alternatives to stenotype court reporters, and in 1980, a bench-press committee completed development of a guide to the Idaho courts.

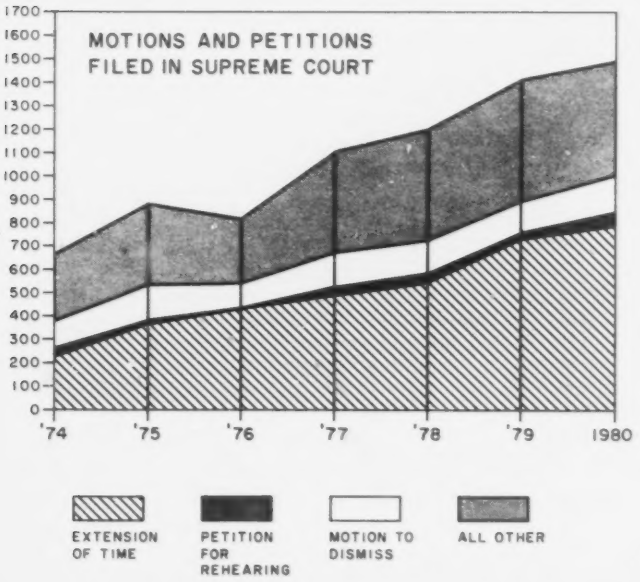
Supreme Court Caseload

Case Filings Again Set Record

New appeals filed with the Supreme Court in 1980 again were the highest number in the history of the state. During 1980, 402 new appeals were filed, 22 more than the 1979 record high of 380 new appeals, and 5.8% higher than last year's filings.

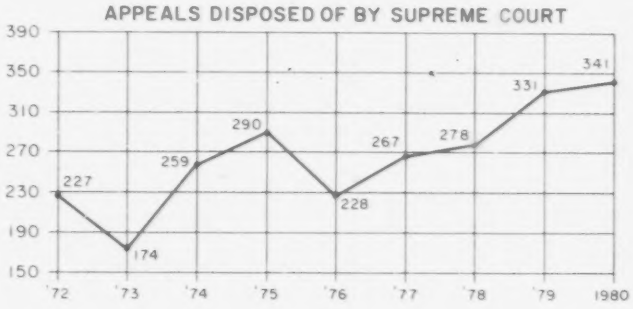


Petitions and motions also maintained record highs, contributing to a tremendous strain on Idaho's appellate system. During 1980, 1,491 new petitions and motions were filed with the Court. The Justices dealt finally with 1,514. The number of new petitions and motions during 1980 was a 5.1% increase over the 1979 total of 1,419. Also filed with the Court during the year were 35 original proceedings and one attorney discipline matter.



Dispositions Highest In History

Along with the record case filings, the Idaho Supreme Court set an all time record for the number of appeals on which it completed action. The Court disposed of 341 appeals in 1980, a 3% increase over the previous record of 331 dispositions, which was set in 1979.



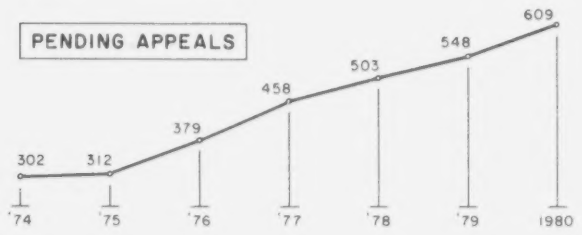
As evidence of its increased productivity, the Supreme Court produced its highest number of majority opinions ever, with 198 majority opinions, a 5.3% increase over the previous record set in 1979.

Supreme Court Majority Opinions

Calendar Year	Opinions
1980	198
1979	188
1978	157
1977	169
1976	136
1975	176
1974	182
1973	115
1972	123
1971	125

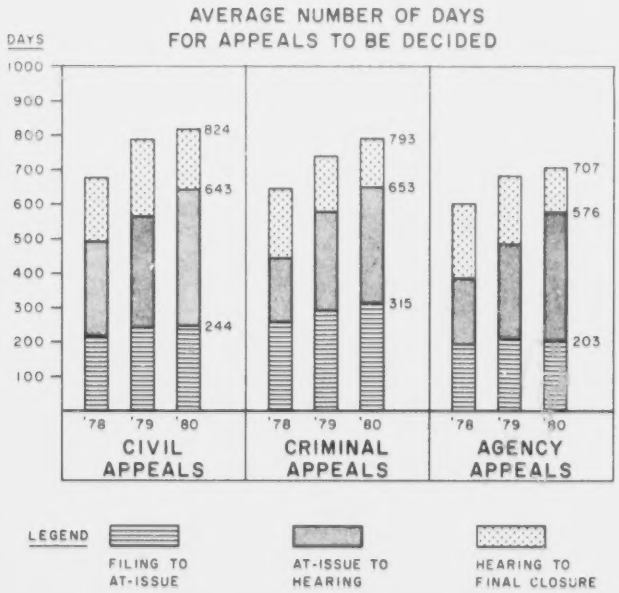
Despite the Court's increased productivity, the Justices fell farther behind in the number of appeals still awaiting decision. The impact of ever-increasing numbers of new appeals on the Court's pending workload is a matter of serious concern to the Supreme Court and the legal community. The total number of appeals pending before the Court has risen steadily and sharply since 1974. At year's end there were 609

appeals which had been filed with the Court and were still awaiting final disposition.



Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their cases decided by the Idaho Supreme Court has increased to unacceptable proportions. During 1980, it took an average of 803 days from the time an appeal was filed with the Supreme Court until the Court finally concluded its work on the case. Cases still waiting to be decided will have even longer delays. The average time it takes from when a case is fully briefed and ready to be argued until the Supreme Court is able to hold a hearing for oral argument has grown steadily from 94 days in 1976 to 366 days in 1980. Attorneys and litigants in the Fourth Judicial District where the worst backlogs exist now must wait approximately 2 years to obtain an oral argument date from the time an appeal is fully briefed and ready to argue.

These statistics alone cannot tell the full story of a businessman who waits for two years for a final decision while his business goes bankrupt, or the defendant who must wait for 793 days before he learns whether his conviction will be upheld, or the rate payer or the blue collar worker who must wait for two years to find out whether a rate increase or unemployment payment will be made.



The Supreme Court was again fortunate to have the assistance of a number of district judges, who served as temporary appointed justices when there were disqualifications and when additional assistance was needed during 1980:

The Honorable James G. Towles
The Honorable Robert B. Dunlap
The Honorable Jesse R. Walters, Jr.
The Honorable Charles Scoggins
The Honorable Arnold T. Beebe
The Honorable George W. Hargraves
The Honorable Douglas D. Kramer
The Honorable Gerald F. Schroeder

Court of Appeals Legislation Enacted

After several years of study and debate, legislation creating an Idaho Court of Appeals was passed during the 1981 legislative session and signed into law by Governor John V. Evans. Under the terms of the new law, the Idaho Court of Appeals would come into being on July 1, 1981, but judges for the new court will not take office until January, 1982.

The new Idaho Court of Appeals will consist of three appellate judges and their immediate staff, with offices in Boise, although the new court is authorized to travel and hear cases anywhere in the state. The Court of Appeals judges are selected in the same manner as Supreme Court Justices, and serve for six year terms. All appeals continue to be filed with the Supreme Court, which in turn assigns cases to the Court of Appeals. Appeals involving sentences of capital punishment in criminal cases are retained by the Supreme Court. The Court of Appeals will perform an error correction function, and further appeals from the Court of Appeals to the Supreme Court will be granted only in the discretion of the Supreme Court.

The new Idaho Court of Appeals Act adopts a "one filing, one fee" approach to appellate justice. Regardless of which court hears the appeal, only one set of briefs and only one filing fee will be required.

Trial Courts Caseload Continues Steady Rise

During the last several years, new cases have been filed in the Idaho Courts at an almost uniform 4 to 5% annual increase. New case filings in 1980 continued the trend, although at a slightly lower rate. When all filings in the district court and magistrate division were recorded, the 1980 total of 321,517 new cases was a 3.1% increase over the 1979 total of 311,714 filings.

The gains in filings occurred in the magistrate division, where new cases rose from 300,655 in 1979 to 310,366 in 1980, a 3.2% increase. As has been the case in recent years, new district court case filings saw little change: 11,059 in 1979 to 11,151 in 1980.

Since 1971, when the integrated district court and magistrate division were created, statewide case filings have increased by 131%. While a number of factors influence caseload increases, two of the most important contributing factors in the increase of the trial court caseload over this period of years seem to be the growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1980, the state population has increased by 230,664 people, and the number of attorneys licensed to practice in Idaho has grown from 700 in 1970 to 1,526 by the end of 1980.

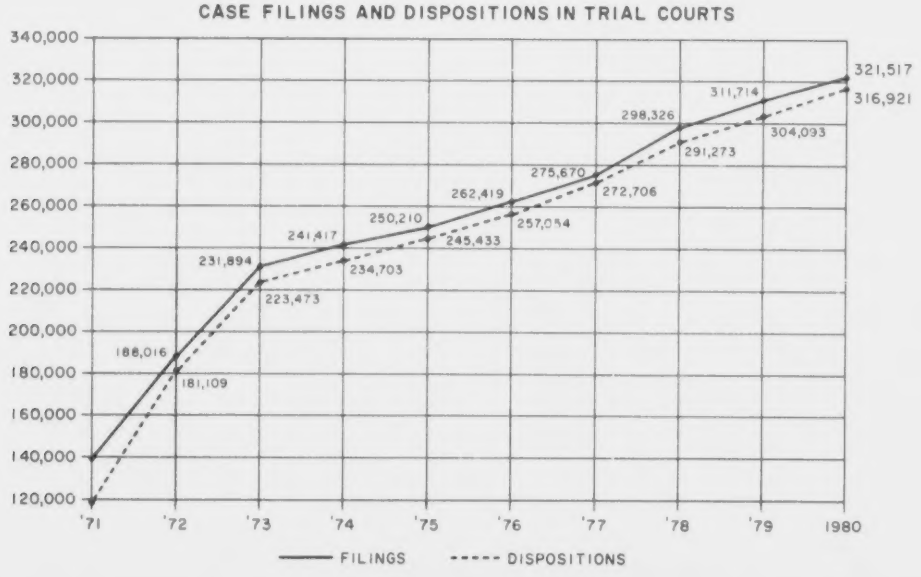
While the sharp increases in new case filings that occurred in the earlier half of the decade have leveled off to an annual growth rate of 4 to 5%, trial judges report that individual cases have become more complex, and that the time required to dispose of individual cases has expanded.

Idaho has been fortunate that its legislature has provided judicial resources to meet continuing caseload increases in the trial courts. Additional district and magistrate judges authorized by the legislature have enabled the judiciary to continue to increase its level of case dispositions. District judges and judges of the magistrate division increased their disposition of all cases by 4.2% over 1979, disposing of 316,921 cases during the past calendar year, as compared with 304,093 cases in 1979. However, the increase in new cases caused an 8.3% increase in the number of pending cases at the end of 1980, as compared with 1979. The number of pending cases on December 31, 1980, was 58,859.

A recent survey conducted by the Administrative Office of the Court showed district judges throughout the state calendaring civil trials an average of four to eight months in advance, with waiting time for criminal trial dates varying from two to five months. The relationship between pending cases and the time taken to dispose of these cases must be watched carefully, to insure that judicial resources are maintained at needed levels in future years.

The average number of new cases filed for each district judge in the state in 1980 was 385 cases, while the average for judges of the magistrate division was 4,371 new cases. This compares with new case filings in the prior year of 395 cases per district judge and 3,956 new cases per magistrate judge. The district judges disposed of an average of 364 cases per judge during the year, while the judges of the magistrate division averaged 4,315 dispositions per judge.

Of the civil cases which received final judgment in the trial courts in 1980, 21,826, or 49%, received a trial or hearing. Of these, 8,618 were disposed of with



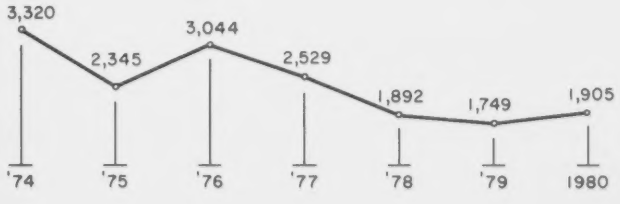
a court or jury trial. On the criminal side, 98.2% of these cases were disposed of through pleas or dismissals, while 4,594 or 1.8% received a court or jury trial.

(A more detailed summary by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide, by district and by county, is contained in the appendix to this report. The appendix is available upon request from the Administrative Office of the Courts.)

Drug Cases Show Slight Increase

For the first time since 1976, the number of drug abuse complaints filed in the state increased. There were 1,905 new drug abuse complaints filed in 1980, an 8.9% increase over the 1979 total of 1,749.

DRUG ABUSE COMPLAINTS



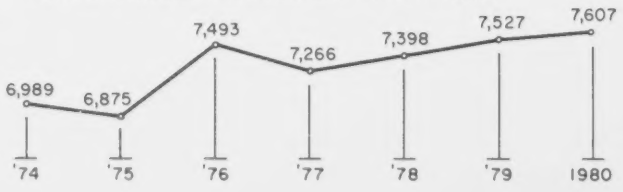
Petitions against juveniles for drug abuse charges dwindled to 59 statewide, down from 71 petitions in 1979. Petitions against juveniles represented only 3.1% of the total drug abuse case filings in Idaho.

The trial courts disposed of 6.7% more drug abuse cases in 1980 than in 1979, making final judgments in 1,901 cases in 1980, as compared with 1,782 cases in 1979.

Juvenile Petitions Up Moderately

In special proceedings, the number of new Youth Rehabilitation Act petitions remained generally at a level consistent with prior years. The 1980 total of 7,607 new petitions was a 1% increase from the 1979 total of 7,527 petitions. This rather steady level of new juvenile cases filed with the courts, when compared with Idaho's population growth over the same period and generally increasing juvenile crime rates of other states, probably evidences the successful efforts of courts and social agencies to divert less serious juvenile charges from the courts. With the leveling off in the number of youths placed in institutional settings reported by the state Department of Health and Welfare, along with the increased involvement of private citizens and agencies in prevention and treatment programs for juveniles, juvenile court caseloads are seen as favorable trends.

YOUTH REHABILITATION ACT PETITIONS



The magistrate division completed 7,091 petitions under the Youth Rehabilitation Act in 1980, 2% fewer than the 7,239 petitions disposed in 1979.

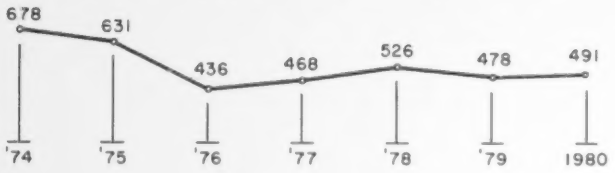
Magistrate Division Appeals

Appeals from the magistrate division occupied an increasing amount of time for Idaho's district court judges. In most cases, appeals from the magistrate division are heard by a district judge based on a certified transcript prepared from an electronic recording of the proceedings in the magistrate division, although in small claims cases, district judges hear appeals on the basis of a new trial or trial *de novo*. During 1980, 430 appeals in the magistrate division were filed in district court throughout the state, a sharp 17.5% increase over the 366 filings in 1979. District judges disposed of a total of 413 appeals by the end of the year.

Child Protective Act Petitions Remain Down

Amendments to the Child Protective Act which took effect in 1976 appear to be keeping down the number of formal petitions under the Act. The Department of Health and Welfare is now authorized to resolve informally certain complaints of child abuse, neglect or abandonment, which may explain the lower number of formal case filings which has been the trend since 1976. The 1980 total of 491 petitions was an increase of only 13 cases from the 1979 total. Of the cases of neglect and abuse coming before the courts in 1980, the courts dealt finally with 490, slightly more than the 1979 total of 467 dispositions. As society focuses more attention on child abuse and neglect problems, however, the lower case filings trend may be reversed in the 1980s.

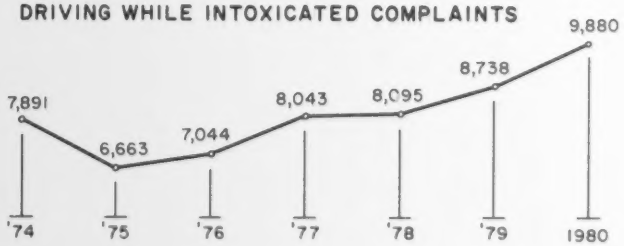
CHILD PROTECTIVE ACT PETITIONS



Alcohol-Related Driving Cases Accelerate

The number of complaints charging adult defendants with driving under the influence of alcohol has risen steadily since 1975. Alcohol-related driving complaints filed with the courts jumped 13 per cent from the 1979 total of 8,738 cases to 9,880 complaints. The 1980 figures appear to confirm an undesirable trend upward in alcohol-related driving incidents brought to the attention of the courts. While more aggressive enforcement, rather than increased alcohol usage, could be a cause of the increased case filings, the 1980 level of alcohol-related driving cases is cause for concern for state officials and persons using the public highways.

DRIVING WHILE INTOXICATED COMPLAINTS



How Long Justice Is Taking

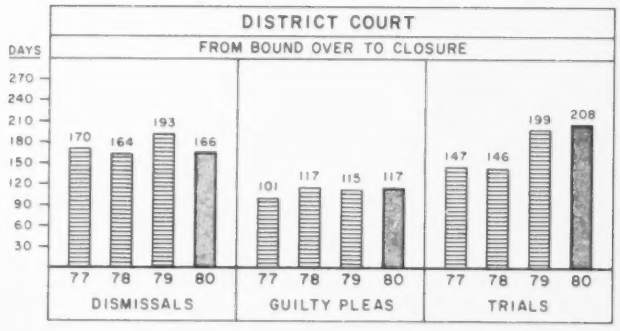
In many cases, the amount of time it takes to get a decision is almost as important as the decision itself. How can one measure how long a defendant should wait in a jail cell before his case is heard, or what is a reasonable wait for a parent in a child custody action? While Idaho has never experienced the five-year trial delays of some of the urban states, the judiciary nevertheless is concerned about delay and has begun measuring its performance.

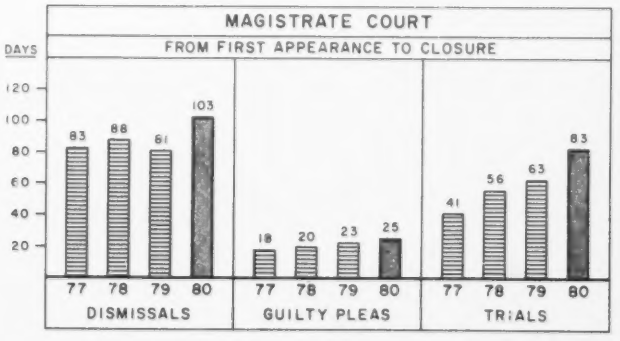
Even after a case has been filed in court, there are many reasons for delay which are beyond the courts' control. Problems in scheduling witnesses, late filing of attorney briefs, extensions of time to obtain appointed counsel, and extra time needed for presentence reports can delay final disposition of a case.

For years civil case operating times have been left up to the individual litigants, although recently the courts have become more active in moving the civil calendar. Criminal cases always have received a priority in court scheduling. With the help of statutory time limits for certain procedures, criminal case processing times are much less than civil cases. The following charts show the average processing times for criminal cases.

While the averages never can tell the story of delay in an individual case, they do help describe the overall picture of court operations. Fortunately, the Idaho Legislature has recognized the importance — and the real costs — of court delay, and consistently has provided the additional trial court judges which have been needed in recent years to meet in timely fashion the rising caseloads caused by the state's growth and development.

CRIMINAL CASE PROCESSING





The Cost of Operating the Courts

Idaho's courts are financed by a combination of state, county and municipal expenditures. State general fund monies finance the salaries and travel expenses of all trial judges, trial court administrators, and court reporters. The state also finances judicial training programs for trial judges and support personnel.

Counties and three municipalities contribute to the operational costs of the trial courts. Counties, and in a few cases cities, provide court physical facilities: courtrooms, judges' offices, judicial chambers. They also provide expenditures for court personnel, supplies, equipment, and law libraries.

The administrative office of the courts manages the fiscal operations of the state judiciary, including payroll operations, travel expense reimbursements, accounts payable operations, capital expenditures and employee benefit operations. The annual appropriation request to the legislature is prepared by the administrative office, and the office monitors state judicial expenditures throughout the fiscal year.

State expenditures for fiscal 1980 on behalf of the courts totaled $5,838,596. An idea of the proportion of state expenditures for courts as compared with total state expenditures can be gained from the following diagram:

JUDICIAL EXPENDITURES AS A PERCENTAGE OF TOTAL STATE EXPENDITURES FISCAL YEAR 1980

Local government expenditures for the trial courts are approximately 10.6 million dollars annually, including personnel costs of approximately 6.3 million dollars, support staff, equipment and supplies, remodeling, and maintenance. Courthouses and related court facilities provided by local governments have a fair rental value of approximately 2-2.7 million dollars, or a 21-33 million dollar replacement cost.

The trial courts generate revenues from civil case filing fees, criminal fines and forfeitures, and court costs assessed against defendants. Revenues derived from civil case filing fees are distributed to the state and counties, with a portion going to the judges' retirement fund and code commission funds. Criminal court costs and fines are distributed to state, county, and municipal governments by a complicated formula, as illustrated on the following page.

During 1976, the Idaho Legislature created a "district court fund," into which the county share of court fees, costs, and fines are channeled. Previously these monies had been allocated to the county current expense funds. The new law places the responsibility for development of trial court budgets and monitoring of expenditures on the administrative judge and trial court administrator in each judicial district.

Effective October 1, 1980, cities which provide magistrate court facilities began receiving $7.50 of every $10.00 court cost fee which is assessed by law upon a finding of guilty in a criminal prosecution. Since only two cities presently provide such facilities, in most cases the $10.00 court cost fee is equally divided between the county district court fund and the state general fund.

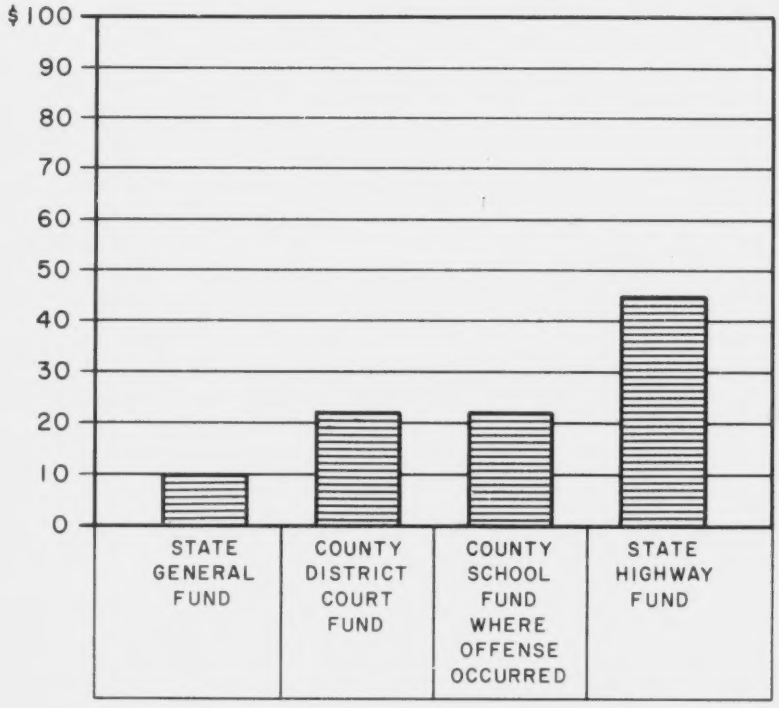
During fiscal 1980, $1,170,050 was collected by the trial courts from civil case filing fees, with $263,689 going to the state general fund, $339,314 to the county district court funds, $379,079 to the judges' retirement fund, and $187,968 to the code commission fund.

It is estimated that over eight million dollars was assessed by the trial courts as fines and costs during 1980 (exact figures on the amount of fines and costs actually collected are not available, since there presently is no statutory requirement for their compilation, and since records concerning collections are kept in a variety of state and county offices), with proportionate amounts allocated to the state, counties, and cities.

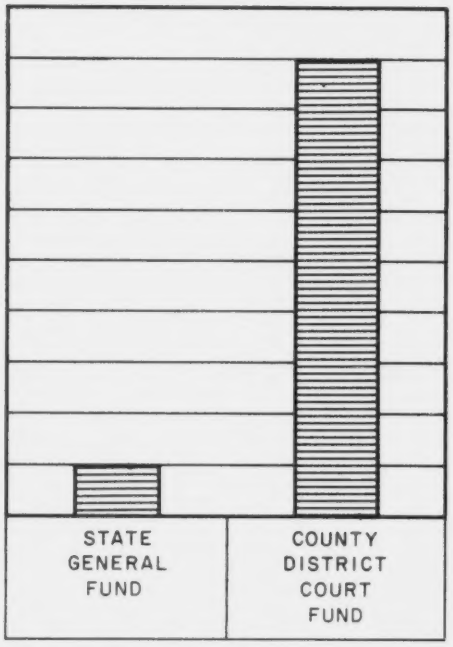
When all government expenditures for court operations are considered, the courts return approximately fifty per cent of their costs to all units of government in the form of revenues derived from filing fees, court costs, fines and forfeitures.

AVERAGE DISTRIBUTION OF $100 IN FINES

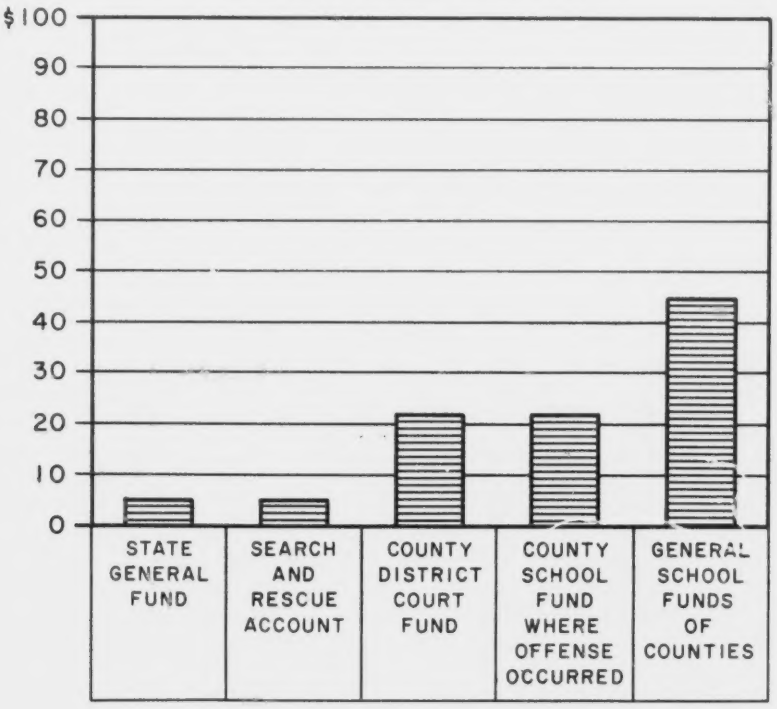
STATE MOTOR VEHICLE LAWS



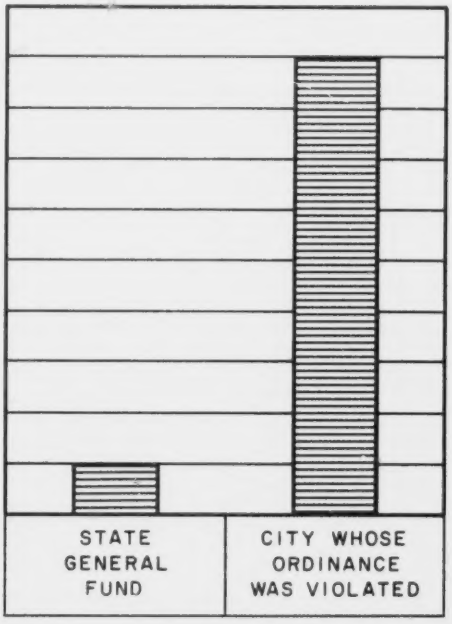
GENERAL STATE LAWS & COUNTY ORDINANCES



FISH AND GAME LAWS



CITY ORDINANCE



New Programs and Developments

Holdback Cuts Court Programs

The last half of calendar year 1980 saw all state agencies in the throes of an appropriation cutback ordered by the State Board of Examiners due to falling state revenues. The courts were no exception, and court programs and services suffered. Trial judges were forced to reduce circuit riding trips to rural communities in an effort to save money, and virtually all judicial education programs were halted. Attendance by newly appointed judges at the National Judicial College was cancelled, and several judicial appointments were delayed. The Supreme Court moved its week-long court terms in northern and eastern Idaho to Boise, and reduced the hours of the state law library. Despite reduced services, however, essential judicial functions were continued, and judges and court staff worked to complete projects that did not consume state appropriations.

Cameras in the Courtroom

In September 1980, Chief Justice Charles R. Donaldson signed an order permitting for an indefinite period live broadcasting of Supreme Court proceedings during its terms of court in locations outside of Boise. The action came at the end of a one-year experiment with broadcast coverage in locations outside of the Court's Boise courtroom. In August, 1979, the Idaho Supreme Court had issued orders allowing broadcast and photographic coverage of court hearings in its own courtroom in the Supreme Court building. Court hearings outside of Boise had been attended by frequent coverage by local television and radio stations and still photographers for daily newspapers and the wire services.

Until the Supreme Court's initial experiment allowing broadcast coverage, live coverage of any court proceeding in Idaho had been prohibited, with the exception of certain ceremonial events. Broadcast or photographic coverage of trial court proceedings, historically prohibited, was not affected by the Chief Justice's order.

Broadcast and photographic coverage is limited to accredited members of the working press, and is subject to guidelines limiting location and numbers of television cameras and still photographers.

Modernization of Court Rules

In the summer of 1980, the Idaho Supreme Court finally achieved one of its major goals of the previous decade — publication of a complete revision of its court rules of procedure. Working through volunteer committees of lawyers and judges chaired by Justice Robert E. Bakes, the Court had begun in 1973 a multi-year project to revamp its court rules, some of which had not been updated since territorial days. Completion of the criminal, traffic, and administrative rules in 1979 cleared the way for publication by the Bobbs-Merrill Company of the new modern rules volume, known as the "Idaho Court Rules." Standing Court committees for the various rules sections will continue to meet periodically to keep the rules current and to deal with recommended changes.

Guide to the Idaho Courts

During 1980, a special bench-press committee appointed by the Administrative Director of the Courts completed work on the *Guide To The Idaho Courts*. Chaired by District Judge Gerald Schroeder, the committee had been asked to review bench-press publications in other states, and to prepare for publication a package of educational materials about the Idaho court system for use by new reporters and reporters assigned to cover court events. The new *Guide,* broadened to include information useful to educational institutions and the general public, covers the structure and jurisdiction of the state court system, and includes sections explaining how criminal and civil cases proceed through the courts, along

with a glossary of legal terms. The Idaho Law Foundation has contributed funding for printing and distribution of the *Guide*, and publication is scheduled for January of 1981.

Members of the committee to develop a press guide to the Idaho courts, in addition to District Judge Schroeder, included: Carl F. Bianchi, Administrative Director of the Courts; Mindy Cameron, Lewiston Morning Tribune; Pat Costello, formerly of KBCI-TV 2; Jim Dean, formerly Idaho Statesman; Mike Gee, KIVI-TV 6; Hon. Patricia Gillespie, Judge of the Magistrate Division; Craig James, esquire; Marc Johnson, KAID-TV 4; Bill Moon, Idaho Newspaper Association, Inc.; Hon. Karen Vehlow, Judge of the Magistrate Division; Marc Wilson, Associated Press; and Virginia Wilson, Editor.

Pay by Mail

> "The courts must reflect society's concern for energy conservation, and must seek out new ways to make government resources go farther. Today we are adopting streamlined business procedures for the courts, and that is good business for our citizens."
>
> — Idaho Supreme Court Chief Justice Charles R. Donaldson

With those words, Chief Justice Charles R. Donaldson announced a new statewide program to allow payment of traffic fines by mail and by personal check. Before the new pay by mail program, citizens receiving traffic citations had to appear personally at local courthouses to pay their fines, even if they did not wish to appear before a judge and contest the citation. Personal appearances to pay fines led to congestion in court clerk offices, loss of time from work, and wasted energy resources.

Under the new system, law enforcement officers who issue traffic citations are required to notify drivers that if they do not wish to contest the citation, and the offense qualifies, they may mail payment for the amount of the fine to their local court prior to their court appearance date. The new program also requires courts to accept personal checks in payment of fines, where cash or money orders had been required.

Court officials hope that the new pay by mail procedures will result in fewer defendants failing to appear in court on traffic citations, increased payment of fines by out of state drivers, and greater convenience to citizens.

Court of Appeals Preparation

Faced with the uncertainty over whether the Idaho Court of Appeals will be funded in 1981, the Supreme Court's administrative staff nonetheless began preparation in 1980 for starting Idaho's newest court. Special committees were appointed to advise the Supreme Court on such matters as criteria for assignment of cases to the Idaho Court of Appeals, publication of opinions, and new appellate rules. Screening forms were proposed, staff assignments were delegated, and office space tentatively was located. The existing computerized appeals management system utilized by the Supreme Court itself was expanded to allow use by the Court of Appeals. Without knowing whether the new Court of Appeals would be funded by the 46th Idaho Legislature, the Supreme Court nevertheless assured itself that the Court of Appeals would be ready to begin work as soon as funds were made available.

Help for Other Agencies

During 1980, the judiciary undertook several projects designed to help other agencies and improve government operation. In cooperation with Attorney General David H. Leroy, the Administrative Office of the Courts began development of a computerized management system to assist the Attorney General's office in monitoring caseloads. By pooling resources, the new system when completed will link the Supreme Court mini-computer with a terminal in the Attorney General's office to provide on-line records on all active cases represented by the state Attorney General anywhere in the United States and will provide supervising attorneys in that office with current management reports showing status of cases and documents due to be filed, as well as data for reports required by statute.

In cooperation with the state telecommunication board, chaired by Dick Burns, Chief of the Bureau of Criminal Identification, the Administrative Office of the Courts promulgated a uniform telegraphic warrant, to be used by all law enforcement agencies and courts in the state. By using the new telegraphic warrant, police agencies now can avoid time-consuming retyping and composition of individual warrants.

During 1980, the Administrative Office of the Courts worked with the legislature to achieve statutory changes which allow one, uniform misdemeanor citation to be used for all misdemeanor offenses, thus allowing peace officers to issue a citation to appear to certain defendants as an alternative to formal arrest and preparation of a court complaint.

Also during 1980, the Administrative Office of the Courts published the first statewide traffic court schedule, showing the times and dates for traffic court hearings in every court location in the state. The new statewide schedule, which will be maintained on a current basis, was distributed to all law enforcement agencies and court personnel to assist in scheduling out of county appearances by defendants and peace officers.

Other Developments

Other developments during 1980 included:

- The State Law Librarian participated in a study with the Idaho Law Foundation to examine the needs of county libraries and identify alternatives to traditional library systems which might result in long-range improvements to county law library facilities.
- The Administrative Office of the Courts examined and recommended guidelines for microfilm use in the trial courts in retaining court records.
- The central withheld judgment registry in the Administrative Office of the Courts was reviewed and a new on-line system recommended to maintain response time for the registry.
- Small claims filings and appeals were monitored to determine the impact of recent jurisdictional increases and reports were presented to administrative judges and trial court administrators.
- On-site training programs were held for district court clerks to provide guidance in carrying out reporting responsibilities.
- The Fifth Judicial District administrative judge established district-wide meetings of judges and court clerks to facilitate exchange of information and improvements in recordkeeping and court procedures.
- A statewide seminar was held for district court reporters, providing training in court-related professional subjects.
- A pilot project in cooperation with the State Department of Law Enforcement was begun in three Idaho counties to provide defendant disposition information for the Criminal Investigation Bureau's computerized criminal history files.
- A joint law enforcement-courts seminar on court security was held. Funded by the Law Enforcement Planning Division of the Department of Law Enforcement, the seminar covered topics ranging from legal responsibility and liability in connection with court facility security to dealing with hostage taking, bomb threats, and courtroom disturbances.
- An orientation program was held for four new magistrate judges and a newly appointed district judge. Using professional actors, video taped mock trial performances were reviewed and critiqued by experienced judges, and lectures were presented on judicial ethics and the role of a judge.
- Ground was broken for the new Ada County Traffic Court to be built adjacent to the joint city-county law enforcement building in Boise. When completed, the new building will process almost 13% of the cases in the state court system.
- A newly appointed non-lawyer magistrate judge was provided with intensive training in criminal law procedures over an eighteen-week period, and was certified to handle criminal cases by the Idaho Supreme Court.

1980 Legislation Affecting the Courts

The Second Regular Session of the Forty-Fifth Idaho Legislature saw the first structural change since 1969 in the Idaho Court system, with the enactment of House Bill 615, which created a three-member court of appeals, effective July 1, 1981. (See page 11.)

Two bills affecting the magistrate division were enacted. One measure, S.B. 1339, created a procedure which allows a prosecuting attorney to petition the administrative district judge for appointment of a special inquiry judge from the magistrates division to preside over "an inquiry into the existence of suspected crime or corruption." Another bill, H.B. 649, allows magistrate judge salaries to be established by the legislature, rather than the district magistrate commissions as was previously the case, and has eliminated the requirement that there be at least one resident magistrate in each county.

Supreme Court Justices and district judges received a pay increase in 1979, with Supreme Court salaries being raised to $43,000, and district court salaries to $41,000 per year (S.B. 1324). District court reporters also received a pay increase, to $24,000 per year (H.B. 572).

On the Supreme Court's recommendation, a measure was adopted to provide for speedier trials in criminal cases: S.B. 1369 sets a six month limit for bringing a defendant to trial from the date a criminal charge is filed in a felony case.

Two bills urged by prosecutors were enacted: one (S.B. 1338) limits granting of bail in serious criminal cases; the other (S.B. 1290) allows the state to appeal a magistrate judge's decision not to waive jurisdiction over a juvenile under the Youth Rehabilitation Act.

The legislature gave the city of Boise's traffic court building a helping hand in with passage of S.B. 1274, which will provide additional court cost fees to cities which provide magistrate court facilities, thus making possible a modern new facility for Idaho's busiest court.

The 1979 session saw the first comprehensive change in Idaho's divorce and custody laws with the passage of S.B. 1301, and the last gap in Idaho's jury eligibility laws was filled when the Governor signed into law S.B. 1372, eliminating the exemption from jury service previously held by dentists.

Other legislation which was enacted during the 1980 legislative session which affects the courts includes:

SB 1252 Requires state agencies to compile and publish their effective administrative rules at least every two years; requires that the rules be furnished to various city, school and university libraries as well as the State Law Library, and specifies the various libraries. 1980 Idaho Session Laws, Chapter 78, effective July 1, 1980.

SB 1253 Provides that from and after January 1, 1980, no party shall operate a store or business which sells or rents any obscene material, as defined by law, within 2500 feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the premises; establishes that a violation shall be a misdemeanor; provides for issuance of a temporary restraining order by any court of competent jurisdiction upon application by any public or private entity or person and exempts such parties from liability for damages or legal fees in attempting to civilly or criminally enforce those provisions. 1980 Idaho Session Laws, Chapter 82, effective January 1, 1980.

SB 1274 Requires courts to determine that a defendant is unable to pay before waiving the $10 court costs when a defendant is found guilty and even though he is represented by a public counsel; provides that if trial is in a magistrate court, provided by a city, $2.50 of each court cost fee shall be paid to the city treasurer for deposit in the City Capital Facilities Fund for use in construction or remodeling of magistrate court facilities. 1980 Idaho Session Laws, Chapter 125, effective October 1, 1980.

SB 1281 Requires the State Law Librarian to develop for each state agency a uniform numbering system and format for rules. 1980 Idaho Session Laws, Chapter 20, effective July 1, 1980.

SB 1335 Prohibits the use of the word architect, architecture or architectural by persons not licensed to do so and are offering a service; establishes penalty for violations as a misdemeanor with a fine up to $500 and/or imprisonment for up to three months; exempts licensed landscape architects. 1980 Idaho Session Laws, Chapter 129, effective July 1, 1980.

SB 1340 Grants peace officer status to all employees of the State Board of Correction who receive certification from the Idaho Peace Officers Standards and Training Advisory Council. 1980 Idaho Session Laws, Chapter 100, effective July 1, 1980.

SB 1350 Provides new laws regarding the protection of telephonic, oral or wire communica-

tions; prohibits interception of such communications except by authorized law enforcement agencies. 1980 Idaho Session Laws, Chapter 326, effective July 1, 1980.

SB 1352 Gives certain designated employees of the Department of Water Resources peace officer authority to enforce the provisions of the Stream Channel Protection Act regarding use of recreational dredges in prohibited stream areas; applies to vacuum or suction dredges capable of moving two cubic yards or less of material per hour. 1980 Idaho Session Laws, Chapter 331, effective April 2, 1980.

SB 1398 Allows one of the judges of the Fifth Judicial District to establish resident chambers in either Gooding or Jerome County and one resident chamber in Minidoka County rather than Cassia County. 1980 Idaho Session Laws, Chapter 126, effective July 1, 1980.

SB 1403 Authorizes courts and the Department of Health and Welfare to utilize licensed psychologists, as well as psychiatrists, to determine the mental condition of a defendant in criminal cases. 1980 Idaho Session Laws, Chapter 312, effective April 2, 1980.

SB 1421 Eliminates some of the rights of the Human Rights Commission in applying to courts for enforcement and certain investigative powers; set forth procedures to be followed in the filing of a complaint with the Commission and actions in the district court. 1980 Idaho Session Laws, Chapter 97, effective March 19, 1980.

SB 1461 Defines drug paraphernalia as it relates to controlled substances and prohibits the possession, use or advertising of drug paraphernalia; establishes penalties for violations. 1980 Idaho Session Laws, Chapter 388, effective July 1, 1980.

SB 1462 Provides that every person who possesses or consumes any alcoholic beverage while present at any public school function on the property of a school district is guilty of a misdemeanor. 1980 Idaho Session Laws, Chapter 389, effective July 1, 1980.

HB 371 Establishes the illegality for waste of game animals including birds or fish; increases the civil penalties from $500 to $1000 for the illegal killing or waste of caribou, bighorn sheep, mountain goat and moose; establishes a $200 penalty for the illegal killing or possession of sturgeon, wild turkey and whistling swan. 1980 Idaho Session Laws, Chapter 62, effective July 1, 1980.

HB 394 Allows a district court when there is a suspension of judgment, in case of a felony, to place the defendant on probation to any person or persons the court, in its discretion, deems appropriate as well as to the Board of Correction. 1980 Idaho Session Laws, Chapter 176, effective July 1, 1980.

HB 407 Strikes I.C. § 49-1104 (b), eliminating penalty clause entirely, thus removing restriction on sentence for certain first and second traffic offenses. 1980 Idaho Session Laws, Chapter 382, effective July 1, 1980.

HB 432 Provides that any peace officer in fresh pursuit of a person he reasonably believes to have committed a felony or has committed or attempted to commit a criminal offense for which there is a warrant, shall have the authority to pursue, arrest and hold in custody the person anywhere in the state. 1980 Idaho Session Laws, Chapter 152, effective March 25, 1980.

HB 434 Provides that any Supreme Court Justice or district judge who voluntarily leaves full-time judicial employment prior to eligibility for retirement may be assigned to sit with the Supreme Court at the request of the Court or as a district judge or magistrate upon request of the Chief Justice. 1980 Idaho Session Laws, Chapter 178, effective March 26, 1980.

HB 447 Provides that application for first motor vehicle title must be accompanied by a manufacturer's certificate of origin. 1980 Idaho Session Laws, Chapter 267, effective July 1, 1980.

HB 451 Brings Idaho's schedules of controlled substances into conformance with the Federal Controlled Substances Act. 1980 Idaho Session Laws, Chapter 160, effective March 25, 1980.

HB 453 Provides that any person who intimidates, deters or harasses a witness in a felony offense trial is guilty of a felony and subject to a maximum fine of $10,000 and a five-year sentence. 1980 Idaho Session Laws, Chapter 153, July 1, 1980.

HB 482 Directs the State Board of Correction to provide facilities at State Hospital North in Orofino for the confinement and detention of female convicts; authorizes the Board to contract with other states for the confinement of female prisoners if the Board feels it is necessary. 1980 Idaho Session Laws, Chapter 216, effective July 1, 1980.

HB 502 Clarifies that driving while under the influence of intoxicating beverages or reckless

or inattentive driving is prohibited on highway, street, or bridge or upon public or private property open to public use. 1980 Idaho Session Laws, Chapter 165, effective March 25, 1980.

HB 519 Provides that a governmental entity and its employees shall only be liable for the pro rata share of the total damages awarded to claimant which is attributable to the negligence of the entity or its employees. 1980 Idaho Idaho Session Laws, Chapter 218, effective July 1, 1980.

HB 520 Defines "retail theft" as the alteration, transfer or removal of any label or price tab on merchandise and the attempt to purchase the merchandise at less than retail price. 1980 Idaho Session Laws, Chapter 243, effective July 1, 1980.

HB 521 Clarifies the procedure for authentication of official documents of governmental entities in order for them to be introduced and accepted in judicial proceedings. 1980 Idaho Session Laws, Chapter 294, effective July 1, 1980.

HB 546 Corrects the present statute which has been declared unconstitutional to clarify that all property acquired after marriage is community property and to provide that conveyances may designate, or that spouses may by agreement designate, that income from property may be considered as separate property, and establishes a procedure for conveyance between spouses. 1980 Idaho Session Laws, Chapter 300, effective July 1, 1980.

HB 547 Provides that a marriage settlement entered into prior to or during marriage may alter community property rights. 1980 Idaho Session Laws, Chapter 299, effective July 1, 1980.

HB 572 Increases the amount a court reporter shall charge for transcripts from $1.75 per page to $2.00 per page. 1980 Idaho Session Laws, Chapter 292, effective July 1, 1980.

HB 577 Enacts the Idaho Product Liability Reform Act; establishes guidelines to determine the length of time product sellers are subject to liability; sets forth the effects of a claimant's and nonclaimant's actions and conduct on comparative responsibility; provides for the relevance of certain evidence and defines individual rights and responsibilities of product sellers other than manufacturers. 1980 Idaho Session Laws, Chapter 225, effective July 1, 1980.

HB 578 Provides that in any civil action for a violation of shoplifting laws photographs of the stolen property may be used as evidence in court proceedings in place of the actual merchandise. 1980 Idaho Session Laws, Chapter 244, effective July 1, 1980.

HB 579 Broadens the definition of larceny to include the removal, transfer or alteration of a price tag in order to purchase merchandise at a lower price; provides that in any prosecution for violation of larceny laws, photographs of the merchandise stolen shall be admissible as evidence in court proceedings. 1980 Idaho Session Laws, Chapter 336, effective July 1, 1980.

HB 587 Eliminates the power of a jury to impose a sentence in kidnapping charges and provides that the court will impose the sentence after making inquiry into mitigating or aggravating circumstances in order to conform with recent U.S. Supreme Court decisions. 1980 Idaho Session Laws, Chapter 298, effective April 1, 1980.

HB 589 Revises and updates the rules and regulations of the State Board of Correction and the Commission for Pardons and Parole; adds new provisions relating to parole and the requirement for a psychiatric or psychological examination; establishes immunity for persons involved in determining the parole or release of a prisoner. 1980 Idaho Session Laws, Chapter 297, effective July 1, 1980.

HB 633 Establishes that when a criminal offense is committed on a boat, vessel, railroad train, motor vehicle or aircraft, the jurisdiction is in the county through which the carrier passes or the county where the trip terminates. 1980 Idaho Session Laws, Chapter 295, effective July 1, 1980.

HB 651 Adopts the Mobile Home Park Landlord-Tenant Act. 1980 Idaho Session Laws, Chapter 177, effective July 1, 1980.

HB 659 Replaces older felony crimes with new ones in the statutory designation of what felony crimes are to be subject to additional penalties when committed with the use of a firearm or deadly weapon. 1980 Idaho Session Laws, Chapter 296, effective April 1, 1980.

Index to Exhibits

Exhibit A:	IDAHO JUDGES
Exhibit B:	ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS
Exhibit C:	DISTRICT COURT CASES
Exhibit D:	MAGISTRATE DIVISION CASES
Exhibit E:	SUPREME COURT CASELOAD

Exhibit A

IDAHO JUDGES

District Court Judges

JUDICIAL DISTRICT ONE
- The Honorable Watt E. Prather, Administrative Judge
- The Honorable James G. Towles
- The Honorable Dar Cogswell
- The Honorable Gary M. Haman

JUDICIAL DISTRICT TWO
- The Honorable John H. Maynard, Administrative Judge
- The Honorable Andrew Schwam
- The Honorable Roger Swanstrom

JUDICIAL DISTRICT THREE
- The Honorable Edward J. Lodge, Administrative Judge
- The Honorable Gilbert C. Norris
- The Honorable Jim R. Doolittle
- The Honorable Lloyd C. McClintick

JUDICIAL DISTRICT FOUR
- The Honorable Jesse R. Walters, Administrative Judge**
- The Honorable J. Ray Durtschi
- The Honorable W. E. Smith
- The Honorable Gerald F. Schroeder
- The Honorable Robert M. Rowett*
- The Honorable Robert Newhouse

JUDICIAL DISTRICT FIVE
- The Honorable Douglas D. Kramer, Administrative Judge
- The Honorable Theron W. Ward
- The Honorable Sherman J. Bellwood
- The Honorable George Granata, Jr.
- The Honorable Daniel B. Meehl
- The Honorable James M. Cunningham***

JUDICIAL DISTRICT SIX
- The Honorable Arthur P. Oliver, Administrative Judge
- The Honorable George W. Hargraves
- The Honorable Francis J. Rasmussen

JUDICIAL DISTRICT SEVEN
- The Honorable H. Reynold George, Administrative Judge**
- The Honorable Willard C. Burton
- The Honorable Arnold T. Beebe
- The Honorable Boyd R. Thomas*

*Served as Administrative Judge through June 30, 1980
**Assumed office of Administrative Judge on July 1, 1980
***Retired, September 4, 1980

Judges of the Magistrate Division

JUDICIAL DISTRICT ONE
- The Honorable Richard L. McFadden
- The Honorable Quentin Harden
- The Honorable Craig C. Kosonen
- The Honorable Lennis McLeod
- The Honorable Virginia R. Balser
- The Honorable Albert H. Parisot, Jr.
- The Honorable Donald F. Gumaer
- The Honorable Hardy C. Lyons
- The Honorable John T. Ramstedt
- The Honorable Don L. Swanstrom*

JUDICIAL DISTRICT TWO
- The Honorable Ralph H. Haley
- The Honorable Robert T. Felton
- The Honorable Martin V. Huff
- The Honorable D. K. Worden, Jr.
- The Honorable Ronald Schilling
- The Honorable George Ray Reinhardt III
- The Honorable William M. Smith*

JUDICIAL DISTRICT THREE
- The Honorable Robert W. Whiteman
- The Honorable Jack D. Swafford
- The Honorable Milton Birnbaum
- The Honorable A. Marvin Cherin
- The Honorable Alfred O. Perry
- The Honorable Charles J. Jurries
- The Honorable William D. Jordan
- The Honorable Frank H. Joseph**
- The Honorable Vincent F. Derig
- The Honorable Stephen W. Drescher
- The Honorable Gregory Culet

JUDICIAL DISTRICT FOUR
- The Honorable G. D. Carey
- The Honorable L. Alan Smith
- The Honorable Lewis W. Woods
- The Honorable Gordon W. Lamm**
- The Honorable Wayne P. Willis
- The Honorable Patricia P. Gillespie
- The Honorable John Sellman
- The Honorable Richard Schmidt
- The Honorable Karen J. Vehlow
- The Honorable Robert M. MacConnell
- The Honorable A. Richard Grant
- The Honorable Alan M. Schwartzman
- The Honorable Darla S. Williamson
- The Honorable Warren H. Gilmore*
- The Honorable R. Michael Dennard
- The Honorable E. Kay Hamilton

JUDICIAL DISTRICT FIVE
- The Honorable Daniel L. Alban
- The Honorable Charles W. Packham
- The Honorable Nathan Higer
- The Honorable Russell C. Shaud
- The Honorable Ronald D. Bruce
- The Honorable Daniel B. Meehl
- The Honorable Melvin C. Edwards
- The Honorable Roy C. Holloway
- The Honorable William C. Stuart***
- The Honorable R. Michael Redman
- The Honorable Phillip M. Becker*
- The Honorable Daniel C. Hurlbutt

JUDICIAL DISTRICT SIX
- The Honorable Dell W. Smith
- The Honorable Robert W. Bennett
- The Honorable George R. Phillips
- The Honorable William W. Woodland
- The Honorable Willis J. Ward
- The Honorable Genevieve Young
- The Honorable Ann P. Davis
- The Honorable Ralph W. Hadfield
- The Honorable James W. Haeger****
- The Honorable Don L. Harding
- The Honorable William H. Woodland
- The Honorable Richard F. Hammond*
- The Honorable L. R. Schou

JUDICIAL DISTRICT SEVEN
- The Honorable Wilbert Cammack*****
- The Honorable Robert C. Brower
- The Honorable Linda J. Cook
- The Honorable Glenn A. Phillips
- The Honorable Mildred R. McClure
- The Honorable Arthur A. Wright
- The Honorable Jerry D. Reynolds
- The Honorable Milton A. Slavin
- The Honorable Harold S. Forbush
- The Honorable Willis Moffat
- The Honorable Grant L. Young
- The Honorable William W. Black*
- The Honorable James L. Martsch

*Trial Court Administrator who also serves as Magistrate.
**Retired, March 31, 1980
***Resigned, February 29, 1980
****Deceased, April 17, 1980
*****Retired, July 31, 1980

Exhibit B

ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Administrative Judges

The Honorable Watt E. Prather, Administrative Judge	District 1
The Honorable John H. Maynard, Administrative Judge	District 2
The Honorable Edward J. Lodge, Administrative Judge	District 3
The Honorable Jesse R. Walters, Administrative Judge*	District 4
The Honorable Douglas D. Kramer, Administrative Judge	District 5
The Honorable Arthur P. Oliver, Administrative Judge	District 6
The Honorable H. Reynold George, Administrative Judge*	District 7

Trial Court Administrators

The Honorable Don L. Swanstrom, Trial Court Administrator	District 1
The Honorable William M. Smith, Trial Court Administrator	District 2
B. James Koehler, Jr., Trial Court Administrator	District 3
The Honorable Warren H. Gilmore, Trial Court Administrator	District 4
The Honorable Phillip M. Becker, Trial Court Administrator	District 5
The Honorable Richard F. Hammond, Trial Court Administrator	District 6
The Honorable William W. Black, Trial Court Administrator	District 7

*Assumed office on July 1, 1980

Exhibit C

Judicial Management Information System (District Court)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1980 STATE DC

* DISTRICT COURT *

TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	1,071	515	659		1,174	986
12 PERSONAL INJ / PROP. DAMAGE.	1,150	737	285		1,022	1,682
13 SUPPORT PROCEEDINGS	340	351	115		466	381
14 OTHER COMPLAINTS & PETITIONS	5,128	2,858	1,703		4,561	5,956
15 SMALL CLAIMS	0	1	1		2	
** TOTAL - CIVIL CASES **	7,689	4,462	2,763		7,225	9,005
* DISTRICT COURT APPEALS *	325	148	146		294	263
21 FELONIES - DRUG	343	105	231		336	166
21 FELONIES - D.W.I.	183	67	121		188	96
21 FELONIES - ALL OTHER	2,559	667	1,741		2,408	1,136
23 TRAFFIC - OTHER THAN DWI . .	5	5			5	1
24 MISDEMEANORS - DRUG	26	12	16		28	6
24 MISDEMEANORS - D.W.I. . . .	15	9	6		15	4
24 MISDEMEANORS - ALL OTHER . .	194	87	112		199	24
** TOTAL - CRIMINAL CASES **	3,325	952	2,227		3,179	1,433
* DISTRICT COURT APPEALS *	67	57	31		88	77
30 Y.R.A. PROCEEDINGS - DRUG .	0					
30 Y.R.A. PROCEEDINGS - D.W.I.	0					
30 Y.R.A. PROCEEDINGS - OTHER .	1					1
31 CHILD PROTECTIVE ACT CASES .	1	1			1	1
32 ADOPTION - TERM.PARENT PROC.	2		2		2	1
34 GUARDIANSHIP OF MINORS . . .	0		1		1	2
35 GUARDIANSHIP- INCAP. PERSONS	2		2		2	2
36 INFORMAL ESTATE PROCEEDINGS	3		1		1	7
37 FORMAL ESTATE PROCEEDINGS .	1					2
40 HABEAS CORPUS PROCEEDINGS .	59	39	31		70	33
41 ALL OTHER SPECIAL HEARINGS .	68	39	35		74	49
** TOTAL - SPEC. PROCEEDINGS **	137	79	72		151	98
* DISTRICT COURT APPEALS *	38	19	12		31	23
** TOTALS OF ALL CASES **	11,151	5,493	5,062		10,555	10,536
* DISTRICT COURT APPEALS *	430	224	189		413	363

Exhibit D

Judicial Management Information System
(Magistrate Division)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

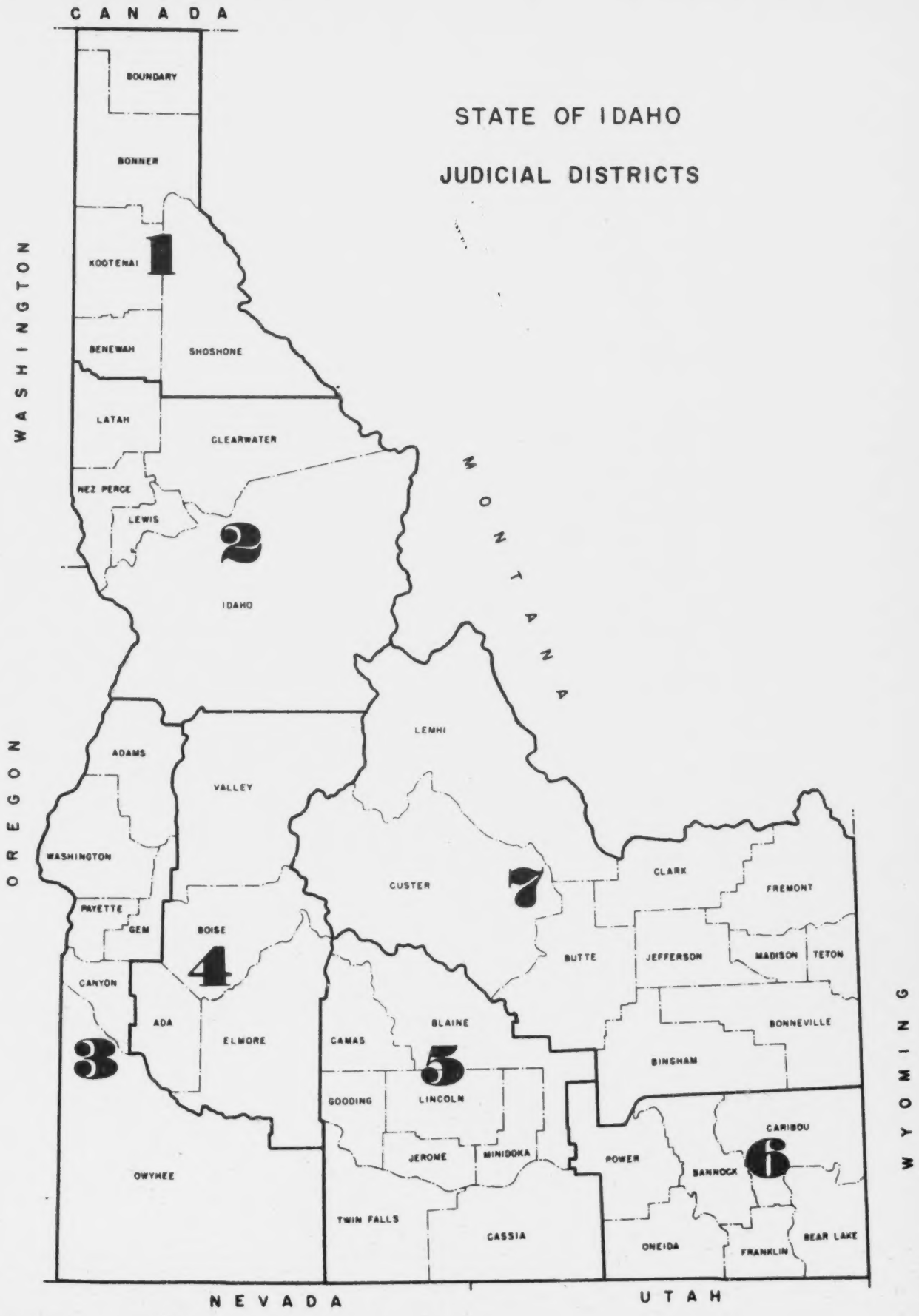
* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1980 STATE MD

* MAGISTRATE DIVISION * TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	8,676	1,422	6,867		8,289	4,056
12 PERSONAL INJ / PROP. DAMAGE.	633	547	82		629	605
13 SUPPORT PROCEEDINGS	3,117	1,895	725		2,620	2,979
14 OTHER COMPLAINTS & PETITIONS	12,449	9,353	2,132		11,485	9,333
15 SMALL CLAIMS	14,323	4,691	9,257		13,948	4,734
** TOTAL - CIVIL CASES **	39,198	17,906	19,063		36,971	21,707
21 FELONIES - DRUG	529	326	215		541	114
21 FELONIES - D.W.I.	339	210	130		340	77
21 FELONIES - ALL OTHER	5,119	3,218	1,532		4,750	2,358
23 TRAFFIC - OTHER THAN DWI . .	218,368	213,511	4,649		218,160	5,978
24 MISDEMEANORS - DRUG	948	353	567		920	237
24 MISDEMEANORS - D.W.I. . . .	9,343	1,841	7,348		9,189	2,722
24 MISDEMEANORS - ALL OTHER . .	22,587	8,052	14,129		22,181	5,942
** TOTAL - CRIMINAL CASES **	257,233	227,511	28,570		256,081	17,428
30 Y.R.A. PROCEEDINGS - DRUG .	59	37	39		76	30
30 Y.R.A. PROCEEDINGS - D.W.I.	8	1	6		7	3
30 Y.R.A. PROCEEDINGS - OTHER .	7,539	2,524	4,484		7,008	3,351
31 CHILD PROTECTIVE ACT CASES .	491	122	368		490	284
32 ADOPTION - TERM.PARENT PROC.	1,045	80	945		1,025	384
34 GUARDIANSHIP OF MINORS . . .	236	29	158		187	313
35 GUARDIANSHIP- INCAP. PERSONS	230	42	159		201	268
36 INFORMAL ESTATE PROCEEDINGS	2,765	1,557	1,220		2,777	3,152
37 FORMAL ESTATE PROCEEDINGS .	736	168	591		759	915
40 HABEAS CORPUS PROCEEDINGS .	110	94	44		138	36
41 ALL OTHER SPECIAL HEARINGS .	716	212	434		646	452
** TOTAL - SPEC. PROCEEDINGS **	13,935	4,866	8,448		13,314	9,188
** TOTALS OF ALL CASES **	310,366	250,285	56,081		306,366	48,323

Exhibit E

Supreme Court Caseload Report

COMPARATIVE SUMMARY STATUS OF THE CALENDAR FOR THE YEAR ENDING DECEMBER 31, 1980	Total Pending At Beginning Of Year	Added / Transferred	Disposed Of	Total Pending At End Of Year	Difference Pending At Beginning And End — Number	Difference Pending At Beginning And End — Percentage
Appeals by Type:						
District Court — Civil						
a. Auto Negligence	1	0	1	0	-1	
b. Other Negligence	1	3	0	4	3	
c. Tax Appeals	9	2	5	6	-3	
d. Domestic Relations	24	17	13	28	4	
e. YRA/CPA	6	1	4	3	-3	
f. Environment/Zoning	3	2	1	4	1	
g. All Other Civil	291	208	172	327	36	
Total District Court — Civil	**335**	**233**	**196**	**372**	**37**	**11%**
District Court — Criminal						
a. Judgments	120	94	78	136	16	
b. Post-Conviction Relief	7	6	2	11	4	
c. Habeas Corpus Appeals	5	13	8	10	5	
d. All Other Criminal	25	19	22	22	-3	
Total District Court — Criminal	**157**	**132**	**110**	**179**	**22**	**14%**
Agency Appeals						
a. Industrial Commission	41	26	26	41	0	
b. Public Utilities Commission	13	7	4	16	33	
Total Agency Appeals	**54**	**33**	**30**	**57**	**3**	**6%**
Interlocutory Appeals	2	4	5	1	-1	-50%
TOTAL APPEALS	**548**	**402**	**341**	**609**	**61**	**11%**
Petitions and Motions:						
Extensions of Time		791	812			
Motion to Dismiss		157	155			
Petition For Rehearing		56	58			
Other		487	489			
Total Petitions and Motions		**1,491**	**1,514**			
Original Actions:						
Mandamus	2	13	13	2	0	
Prohibition	0	2	2	0	0	
Habeas Corpus	3	14	13	4	1	
Other	2	6	6	2	0	
Total Original Actions	**7**	**35**	**34**	**8**	**1**	**14%**
Disciplinary Proceedings:						
Suspensions or Disbarments	1	0	0	1	0	
Other	2	1	1	2	0	
Total Disciplinary Proceedings	**3**	**1**	**1**	**3**	**0**	


CANADA
STATE OF IDAHO
JUDICIAL DISTRICTS
BOUNDARY
BONNER
KOOTENAI
1
BENEWAH
SHOSHONE
LATAH
CLEARWATER
NEZ PERCE
LEWIS
2
IDAHO
WASHINGTON
OREGON
ADAMS
VALLEY
LEMHI
WASHINGTON
CUSTER
7
CLARK
FREMONT
PAYETTE
GEM
BOISE
4
BUTTE
JEFFERSON
MADISON
TETON
CANYON
ADA
ELMORE
3
BLAINE
CAMAS
5
BONNEVILLE
BINGHAM
GOODING
LINCOLN
CARIBOU
JEROME
MINIDOKA
POWER
BANNOCK
6
OWYHEE
TWIN FALLS
CASSIA
ONEIDA
FRANKLIN
BEAR LAKE
NEVADA
UTAH
WYOMING